

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:20-CR-00139-M

UNITED STATES OF AMERICA

v.

CARLOS ENRIQUE JIMENEZ

ORDER

This matter comes before the court on Defendant's pro se motion requesting "exoneration from probation." DE 59 at 1. On January 7, 2021, Defendant pleaded guilty to possession of child pornography. *See* DE 35. On June 3, 2021, this court sentenced Defendant to time served, with a 10-year term of supervised release. *See* DE 51; DE 52. The sentence imposed was consistent with a stipulation in Defendant's Plea Agreement, whereby the United States agreed to "join [D]efendant in a motion for a downward variance to the minimal term of imprisonment required, *with a minimum ten year term of supervised release*, due to a number of factors present in the case to an unusual degree." DE 36 at 6. Although the court applauds Defendant for his "ongoing healing and mental health trajectory," DE 59 at 1, it declines to retroactively reduce the agreed upon sentence after Defendant has served less than 25% of the negotiated term of supervised release. Such modification, after consideration of "the factors set forth in section 3553(a)," would not be in "the interest of justice." 18 U.S.C. § 3583(e)(1). Defendant's motion is DENIED WITHOUT PREJUDICE to Defendant re-raising this issue at a later date.

SO ORDERED this 15th day of March, 2024.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE